

FREEDOM OF RELIGION.

*A paper on what should be the religious freedom
in the future Constitution of India.*

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1. India has the unique honour of having shown the greatest tolerance to varying and almost contradicting beliefs and this was allowed to continue under the British rule. Under the Proclamation of Her Majesty Queen Victoria the policy of the British Government was non-interference in religious matters. During the present twentieth century, the power of governing has been made over to the Indians gradually and administration of Religious matters is now entirely in the hands of the Provincial Governments.

2. Now that India is on the threshold of political freedom and is seriously engaged in framing a constitution for the future Government of India and that some provision is being made therein defining the fundamental rights of the citizens, one of which is Religious freedom, it is necessary to pause and review if the administration of Religious matters during the past fifty years has given satisfaction to the parties affected and if not to make such provisions in the draft constitution under consideration that would ensure the enjoyment of absolute freedom in the matter of Religious worship.

3. The first question to be considered in this connection is the relation between Religion and Politics. There are some who view that the two should be entirely separated and that while everyone can participate in the former only those who are interested in a particular form of religion should be allowed to participate in discussing affairs affecting it. There are others who think that the two should go together and where their interests clash, Religion should be subordinated to Politics. There are others who state that Religion is more important than Politics which caters only to material benefit. There are others who opine that it is impossible to separate Politics from Religion and as both are very important subjects neither of them should have precedence in obstructing the growth of the other and where the two cross each other a *via media* should be found out. The last course is the safest and should therefore be considered the best course for the future India.

4. The next question would be to review the past administration and assess the effect thereof. Top rank leaders of the Congress have more than once expressed in their public speeches that where Religion and Politics clash, Religion should be subordinated to the general welfare of the country. It is this policy which has been given effect to by the various provincial governments wherein the Congress is in the majority and various steps have been taken to enact legislation giving effect to the enforcement of the same. No safeguards have been provided to protect the religious freedom of individuals. Though Congress has been crying at the top of its voice that it is for toleration and religious freedom, in practical work, its acts are of the *greatest intolerance* ever promulgated in India or in the world for that matter. Every one would accept that it is Mahatma Gandhi who has produced the influence the Congress possesses now and that his two favourite themes are *anti-drink* and *anti-untouchability*.

5. Every Religion condemns drink and no one has any complaint to make in respect of that policy. To speak the truth there are some who are of opinion that the steps taken by the Congress Governments are very very mild and that more stringent and effective measures should have been taken long before to eradicate the evil. They even go to the length of suggesting that the drinking habit should be made a penal offence forthwith irrespective of the loss of revenue which could be made up by imposing a poll-tax of one day's earning from every citizen of India.

6. Unfortunately there is a difference of opinion in regard to the second item *viz* untouchability. Mahatma Gandhi is the life of this movement and the other various political leaders have merely followed him. It is admitted by every one that the names of all these sons of India are to be engraved in letters of gold for

the great sacrifice they have made and for the impetus given by them in advancing the political greatness of India. But one should be pardoned for bluntly saying that it is a matter for shame for them to note the way in which they have behaved and are behaving in religious matters. They have assumed that they alone have the right to interpret the correct meaning of the Hindu Scriptures and that every one else should subordinate one's views to the views or policy laid down by them. This is the greatest injustice and intolerance. One should be prepared to give the same right to one's opponent. No one questions the right of the leaders to say that they do not agree with the orthodox view regarding untouchability. But they should give the same right to the orthodox people also to express their views and put them into practice.

7. One great leader in one of his world-wide known writings states that he has no belief in the Ritualistic portion of the Vedas. He should pardon a humble orthodox man if he asks him:—'Revered Sir! What is your experience of Rituals? How were you born and brought up? How many times have you performed your Sandhya? How many hours have you devoted to study or understand the Rituals?' The reply to all these questions would certainly lead one to the conclusion that the leader had no right to come to a conclusion on the subject at all. Unless one has spent a considerable time deeply pondering over a particular subject, one should not come forward to pronounce an opinion on that subject. The right of freedom of speech or expression of opinion could not be taken to mean that anyone can say anything about another. If such a state of things were to be permitted, world cannot get on. What has been stated above of one leader applies with equal force to all the political leaders in the country. With scanty knowledge of Sanskrit and a few hours snatched now and then from their busy life, they have proceeded to decide what Gita teaches or what is the idea behind the teachings of Upanishads, etc. They have also proceeded to legislate on vedic rites like marriage and other kindred matters. They have not paused to think whether they are qualified to come to a conclusion with the small knowledge at their disposal. To add to this, the audience on which the above hastily-drawn conclusions have been foisted is one which has no knowledge on religious matters to enable them to come to a decision. With the advent of the English education, religious instruction has been removed from the school curriculum. The modern generation has no knowledge on religious matters and excepting a few here and there who have taken some pains to learn it as a special subject, the rest are ignorant on the subject. To add to this, the Christian Missions were imparting their Philosophy to those who were educated in the institutions under their control. All these have contributed to the modern generation being ignorant of and indifferent to religious matters. It is on the support of these persons that the modern leaders are proceeding to enforce their views on others. Is this the tolerance that one should expect in the future Indian Constitution? *Even the leaders would not hesitate to say "emphatically No"*.

8. It is not proposed here to enter into a lengthy discussion on the merits of untouchability as that is not the point for consideration now. According to the modern leaders, Gita and other sacred books do not sanction untouchability while the orthodox school views that there is definite distinction between the different castes and that the incidence of caste by birth cannot be removed within the same life. Neither party could prove its statement as it is a thing which cannot be demonstrated by visual means. Neither party should object to the preaching of contradictory views and it is not correct for one party having power to restrict the other from practising what it considers correct and necessary for the salvation of its members. The modern leaders do not appear to have considered the famous saying—

नस्ति चेत् नहि नो हानिः ।

अस्ति चेत् नास्तिको हतः ॥

One says there is no God; another says there is God. What should the common man do? The wise course for him would be to follow him who says there is God. For if there is no God, there is no harm in one believing there is God. But if there is God, and one believes that there is no God, then the latter would be punished.

9. Many of the modern people, without pausing to think deeply, merely remark 'How can there be untouchability by birth?' The answer to this question is:

'How is one born blind or deaf or dumb?' The reason for both is that it is one's previous *Karma*. Another serious defect in the modern leaders is that they have not cared to treat the Gita or other sacred books as a complete whole but have taken only such portions as would support their own views. When one book is relied upon as authority, its value should not be deteriorated by something said to the contrary at another place in the same book.

10. There is a lot of force behind the argument that the views of individuals or groups should be subordinated when they interfere with the benefit of the country at large. But such sacrifices are only to be made in respect of material things. Religious beliefs are not commodities to be bartered in that way. Incidentally this question raises another. Has humanity at large been benefited in any sense by the so-called advancement of material happiness during the past fifty years to secure which every nation has been vying with each other? It has to be admitted that the reply is *Certainly not*. Rather this spirit of rivalry has been the cause of both the recent World Wars that have caused the loss of so many precious lives and a vast amount of property. So, if we pause a little, we must admit that it is not fair to call upon any group to sacrifice its principles or beliefs in quest of a fleeting or imaginary prosperity.

11. Now let us examine an off-shoot of untouchability viz. Temple Entry. Here also the leaders have made a serious mistake in interpreting the word 'public'. Temples have been stated to be public institutions and as such they have proceeded to argue, they should be open to everyone. There are two arguments against this. One is, temple is not a public place and the second is, even in public places, one has to observe certain rules and customs relating to that particular place or institution. If temples were treated as public places, every one be he a Hindu, a Christian, a Muslim or a Parsee, should have a right to enter. Temples were never intended as meeting places. They were for a specific purpose and any one who does not go there for that purpose or who interferes with that purpose is a trespasser and even permissive legislation made under a mistaken belief that temple is a public place, like a road etc., would be another example of *intolerance in the name of tolerance*. Temples are stated to be public or common only to such persons as are of the same opinion or belief and conform to a particular mode of worship in all its details. The Church is a public place and the Christians go there with their shoes on but remove their hats. Supposing one goes there with his hat on and when objected to, retorts 'Why should I remove my hat? Will God run away or refuse to listen to my prayer when He listens to your prayers with your shoes on?' Would this be tolerated? Again take a Mosque. When the leading Maulana is repeating a particular portion from the Holy Koran, can a Christian enter with shoes on as is his custom when he enters his place of worship? The reply is 'No'. Can a Muslim himself repeat some other portion of the Holy Koran? No. So also in the Hindu Temples, persons entering should conform to certain practices and those who do not observe them have no right to enter such a place. Even in secular public institutions as a Library, Reading room, etc., one desirous of availing of the benefits of the institution should abide by the rules prevalent in respect of that place. He cannot assume his right as an individual, stating 'I do not think that this restriction or rule is correct' and proceed to give effect to it. So also in Hindu Temples where the worship, etc. are conducted with meticulous routine. Any one who is not prepared to follow the same has no right, on the assumed ground that it is a public place, to try to remove or interfere with the custom etc. Temples are therefore really private places where certain persons of the same belief and agreeable to certain outward form of worship congregate to perform worship instead of doing it individually at their houses. A member of a choir has no right to sing as he pleased except in agreement with the rest. So also in the Temples. If one's presence is objected to on some grounds, one should quietly get out and not insist on one's rights. The above mode of treatment has not been accorded by the Congress Governments. They decided that untouchability was a crime and proceeded to legislate on that assumption without considering whether such legislation affects a similar right of opinion claimed by others. This is certainly not *Tolerance*.

12. To enable persons holding divergent views on religious matters to practise them and live happily and peacefully with their neighbours, it is necessary that both the parties affected should adopt a policy of give and take and should not resort

to crush the minority by mere numerical strength. Such a method or policy has been adopted in the matter of music before mosques, traffic in the streets and requiring pedestrians and cyclists to follow particular routes, thereby depriving them of the right to use the public road in any manner they liked. So also in these controversial matters, it is necessary for both parties to agree to differ and mutually adjust that in certain places the minority shall have right to practise what the majority does not approve. If the present practice of indirectly forcing the minority to abide by the decision of the majority were allowed to continue, in a few years the great heritage of religious knowledge stored during centuries of deep meditation and experience would be lost for ever. Owing to the defect of having no knowledge about religion, its philosophy and metaphysics, modern people have very greatly erred in coming to the conclusion that the same clash with modern science. A careful study of both would clearly prove that the advancement in Science has not proved even a single Vedic Truth as incorrect. The future of India and the happiness of the whole world would be greatly increased if the modern leaders give up their prejudice, arrange to teach the Vedas and kindred Sastras in the orthodox way and then enable the public to come to a decision on religious matters. One should know the view-point of the opponent before deciding on it. One cannot assume the right both to *accuse and give judgment*. One cannot practice this method and still call it *Tolerance*.

13 Let us proceed one step further and examine the motive behind the Temple Entry agitation which is one of the most important planks of the Congress propaganda. Is this resorted to merely to assert an imagined or self-assumed right of entry in every public place? Or is it a real fervour for performing religious worship in that place? The first appears to be the major reason for it is found that in the temples that have been thrown open to the Harijans, very few have cared to follow it up by daily worship. It is not denied that there are a few amongst them who have a real desire to perform worship in the temples. They should answer the question "Do they desire to go to the temple on the ground that it is a secluded place where one can concentrate? Or do they desire to go into the Temple because they believe that it is a sacred place where the deity installed by Vedic rites has divine powers?" If it is the former only, they should have no objection to have a similar place provided for them where their presence is not objected to by others. If the latter, one has to enquire the reason for such a belief. The answer should be that the Sastras say so. In that case, one has to see what the same Sastras say in respect of entry into the place. One cannot rely on one portion and deny the other portion. If one does so, one would become the laughing stock of the whole world, like Kamsa of Sri Bhagavat Purana. An Asurini predicted that he would be killed by the eighth-born child of his sister. Kamsa should have believed the prediction in toto and bowed to the inevitable death predicted by it or disbelieved the whole and kept quiet. But he believed in a portion that the child would be his destroyer and disbelieving the other portion, viz. predicted death, foolishly hoped to prevent it by his acts, thereby causing the death of a large number of innocent children.

14. Restrictions in temples are not confined only to Harijans. There are so many other restrictions. Even the Brahmins are prevented from entering the temples on certain days as when they are polluted and they are also precluded from entering the Holy of Holies. It is of no use retorting that these restrictions were imposed on an unwary public by the 'scheming' Brahmins. It is impossible to prove this. This is only an assumption of the modern reformers in support of their pet theory. Granting for argument's sake, that this was so, one is debarred from interfering from a right or privilege one has acquired by long years of enjoyment on the sole ground that it does not appeal to the sense of justice or what is considered to be right or wrong by some one else, however large such numbers might be. Law has agreed that even an usurper should be deemed as the lawful owner of a property which he has been enjoying for a number of years. No reason has been shown by the modern reformers as to why such a right should be trampled under the heels in respect of religious matters. According to the sastric belief, the sanctity of a temple would become ineffective if unauthorised persons enter the temples. They consider that there are two aspects or aids to religious worship and one is physical purity and the other mental purity and that both are essential. They consider that their physical purity would be affected by the close proximity of unauthorised persons. The modern generation may not care to subscribe to the above. They are welcome to it. They can go one step further and laugh at it. But they have no right to interfere or

proceed by legislative help to prevent others from enjoying the rights or beliefs the others have been enjoying for a long time. To interfere with the right of another and to dispossess him of such a right require undisputed right of the other to do so. In the absence of such a right, if they do so, it is nothing but *rank communism and the most unbearable intolerance*. But still the modern leaders who boast of their spirit of *tolerance* and who condemn the religious groups of intolerance, have proceeded to legislate and thus compel others to subscribe to their view. The only course open to the present generation if they are out to pursue a *just policy of protecting the rights* of the minority would be to influence the minority by persuasive methods to change their views. If they are unable to do so, they should not interfere with such institutions or groups of people. The present method of passing legislative acts by an Assembly wherein the orthodox view is almost unrepresented is not correct.

15. From the above review, which it is sure that everyone would accept as a very fair presentaion of the whole case, it would be seen that the policy followed by the Provincial Governments in respect of untouchability has not been fair, even though from a legal point as interpreted by the modern-educationised public and judges it may be stated to be right. It is therefore necessary that in the contemplated Constitution of India, the fundamental rights of religious freedom should be so defined as to make it specifically clear that the State would not and should not legislate in matters affecting in any way the religious beliefs etc of any group or section even though it might be a very very negligible minority as by such interference the freedom of religious worship which is the inherent right of every citizen would be not only affected but practically nullified.

16. It is necessary in the interests of *justice, fairness and freedom of thought* that *Religious freedom* or *freedom of religious worship* should be defined in the Fundamental Rights of the proposed Constitution as—

The right of an individual or group of individuals to declare a book or number of books as sacred—to interpret the same in accordance with their traditions—to observe any mode or custom of worship—to do any act or acts considered by them as necessary to propagate the above—to expect from the STATE full protection from interference by any including the State in any manner whatsoever, so long as the above do not interfere in any way with the religious observances of others—and to agree to interference by the State only when there is a clash of interests of two or more groups and when mutual agreement was not possible, and then too, only to such an extent as would be absolutely necessary to limit the sphere of operation of the clashing interests after giving due and full consideration to previous practice and other relevant matters.